THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 25213 of 2005

DATED: 25.11.2005

Between:

R.R.S.Ramalingam Chetty.

... PETITIONER

AND

The Deputy Transport Commissioner and Secretary, Chittor and another.

... RESPONDENTS

ORDER:

The Vehicle of the petitioner bearing Registration No. TN/02Q-1001 was seized by the 2nd respondent, through Vehicle Check Report, dated 24.11.2005, alleging certain irregularities. The petitioner challenges the seizure in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 24.11.2005, discloses that the petitioner had paid the tax for the quarter ending with 31.12.2005. The only objection raised by the 2nd respondent is that the stoppage report was submitted earlier. The liability of the petitioner in the context of these

observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle. The petitioner states that he has already paid a sum of Rs.2,000/- along with the application seeking release of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that-

a. the vehicle of the petitioner bearing Registration No.TN/02Q-1001 shall be released to him, on his depositing a sum of Rs.3,000/- (Rupees Three Thousand Only), in addition to the amount of Rs.2,000/- already paid by him.

b. the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required; and

c. the petitioner shall be entitled to ply the vehicle, if only it is covered by the necessary documents.

d. There shall be no order as to costs.

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25.11.2005

Jsu